

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, FEBRUARY 18, 1997  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:12 a.m. City Manager Jack McGrory commented on a check the City received from SDG&E on January 3, 1997, in the amount of \$661,791.75, as a result of its energy efficiency savings through a Design Incentive Program to make sure that the North City Reclamation Plant was going to operate in the most cost effective manner for the next fifty years. The plant has been completed and Dave Schlesinger of the Metropolitan Wastewater Department acknowledged and commended the City employees who participated in this program. Mayor Golding recessed the regular meeting at 10:55 a.m. to convene the Redevelopment Agency. The regular meeting was reconvened by Mayor Golding at 11:06 a.m. with all Council Members present. Mayor Golding adjourned the meeting at 11:10 a.m. into Closed Session in the twelfth floor conference room to discuss existing litigation and real property negotiating matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

Clerk-Abdelnour (mc)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Richard Dresselhaus of the First Assembly of God Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Mathis.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding the document "Billions for the Bankers, Debts for the People."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A037-060.)

PUBLIC COMMENT:

ITEM-PC-2:

Comment by Paul Palmer, General Manager of Eagle 94.1 FM Radio Station, regarding the stadium expansion. He also presented the Mayor and Council with a petition of approximately 15-20 thousand signatures that were faxed to the radio station supporting the Super Bowl, the Chargers, and the Padres.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A064-099.)

PUBLIC COMMENT:

ITEM-PC-3:

Comment by Sky regarding the stadium expansion issue and the issue of gangs.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A111-129.)

PUBLIC COMMENT:

ITEM-PC-4: REFERRED TO CITY MANAGER

Comment by Maria Candeli regarding the down zoning of her property to MR-1000 and to protest the Coffee/Restaurant House that is being built next to her property.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B039-080.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Council Member Kehoe regarding her trip to

Washington with SANDAG to meet with our Congressional delegation and a number of California Congressmen to make it clear to them that I-905 on the border is our top transportation priority.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A101-110.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

1/27/97  
1/28/97  
2/3/97 Special  
2/3/97 Adjourned  
2/4/97 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A131-134.)

MOTION BY MATHIS TO APPROVE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31:

SUBJECT: Joe Street Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-801) ADOPTED AS RESOLUTION R-288344

Designating Saturday, February 22, 1997 to be "Joe Street Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A135-143.)

MOTION BY VARGAS TO ADOPT. Second by Stevens. Passed by

the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32:

There is no Item 32 on today's docket.

\* ITEM-100:

SUBJECT: Reprogramming CDBG Funds for the San Ysidro Business Improvement District (BID) Project.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-804) ADOPTED AS RESOLUTION R-288345

Authorizing the City Manager to reprogram a total of \$20,000 for the purpose of investigating the formation of a Business Improvement District (BID) in San Ysidro, from certain Community Development Block Grant (CDBG), funded programs previously approved by Council;

Reprogramming specific funds to the San Ysidro BID Project for Fiscal Year 1997 (Fund 18532) from the following projects:

1. Memorial Park Gym - the amount of \$6,879, previously authorized by Resolution R-269805, dated November 23, 1987.
2. San Ysidro Revitalization, Inc. - the amount of \$6,000, previously authorized by Resolution R-283845, dated May 4, 1994.
3. District 8 Unallocated Reserve - the amount of \$7,121, previously authorized by Resolution R-287238, dated April 23, 1996.

CITY MANAGER SUPPORTING INFORMATION:

The City Council recognizes the usefulness of Business

Improvement Districts (BIDs) in the revitalization of older commercial neighborhoods. There are currently 14 active districts in the City of San Diego where the merchants assess themselves to provide for business development and marketing activities as well as streetscaping and other physical improvements in their respective areas. This action will provide for the reprogramming of \$20,000 from existing CDBG funded projects to the San Ysidro Business Improvement District project for the purpose of investigating the formation of a business improvement district in San Ysidro. The specific funds to be reprogrammed to the San Ysidro BID project for Fiscal Year 1997 (Fund 18532) are from the following projects:

	Amount	Fund	Dept.	Org.	J. O.
1. Memorial Park Gym	\$6,879	18524	5662	6207	119162
2. San Ysidro Revitalization, Inc.	\$6,000	18529	4049	4913	049133
3. District 8 Unallocated Reserve	\$7,121	18532	4127	2704	000001
The funds are to be reprogrammed to:					
1. San Ysidro BID Project	\$20,000	18532	4117	1714	000001

Aud. Cert. 9700711.

FILE LOCATION: STRT L-18

COUNCIL ACTION: (Tape location: A144-174.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-101:

SUBJECT: Payment of Punitive Damages Judgment Against City Employees in Poppell v. City of San Diego, et. al.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-819) ADOPTED AS RESOLUTION R-288346

A Resolution approved by the City Council in Closed Session on Tuesday, January 28, 1997 by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the payment of the compensatory and punitive damages assessed against Sharren Carr, Donald Albright, and Christopher Larson, Civil Case No. 93-0100R, Poppell v. City of San Diego, et al., the Council having found, after consideration of the facts in this specific case: 1) the judgment was based on alleged actions of these employees who were acting in the course and scope of their employment at the time of the incidents complained of; 2) that the employees acted in good faith, without actual malice, and in the apparent best interests of the City of San Diego; and 3) payment of the judgment would be in the best interests of the City of San Diego;

Authorizing the Office of the City Attorney to obtain a supersedeas bond on behalf of the City of San Diego, Sharren Carr, Donald Albright and Christopher Larson, in the event the court fails to exercise its discretion in granting a waiver of the bond necessary to stay the execution of the judgment in this case pending the appeal.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the amount of the punitive damages judgments against three City employees (Sharren Carr, Donald Albright, and Christopher Larson) arising out of the case of Poppell v. City of San Diego. The Council has exercised its discretion in indemnifying these employees for the full amount of the punitive damages judgments as it finds all of the elements of Government Code Section 825(b) to be present in this case.

Aud. Cert. 9700746.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A144-174.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-102:

SUBJECT: Penasquitos Trunk Sewer Relief Services During Construction.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-811) ADOPTED AS RESOLUTION R-288347

Authorizing a second amendment to the agreement with Boyle Engineering Corporation, to provide additional construction services in connection with the Penasquitos Trunk Sewer Relief Pipeline and Pump Station;

Authorizing the expenditure of an amount not to exceed \$585,070 from Fund 41506, CIP-46-120.0, Penasquitos Trunk Sewer Relief.

CITY MANAGER SUPPORTING INFORMATION:

On August 9, 1993, the City Council approved the agreement between the City and Boyle Engineering Corporation to provide design and construction services for the Penasquitos Trunk Sewer Relief project. The agreement was amended on June 26, 1995 to provide additional design services. This request is for the approval of Amendment No. 2 to the agreement which includes additional services required during the remaining period of construction of both the pipeline and pump station contracts. Additional services during construction include review of requests for information and substitutions, review of contractor submittals, and design services for unforeseen changes during the remainder of construction.

Aud. Cert. 9700721.

FILE LOCATION: MEET CCONFY97-1

COUNCIL ACTION: (Tape location: A144-174.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-103:



SUBJECT: South Bay Reclamation Sewer and Pump Station, Amendment No. 1.

(Tijuana River Valley, Otay Mesa/Nestor, and San Ysidro Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-791) ADOPTED AS RESOLUTION R-288348

Authorizing an amendment to the agreement of June 12, 1995 with Berryman & Henigar (formerly known as BSI Consultants), for an enhanced control system at the South Bay Reclamation Sewer and Pump Station, in an amount not to exceed \$390,000;

Authorizing the expenditure of not to exceed \$390,000 from Fund No. 41509, CIP-40-911.3, South Bay Reclamation Sewer and Pump Station.

CITY MANAGER SUPPORTING INFORMATION:

Council Resolution R-285940, adopted on June 12, 1995, authorized by the City Manager to execute a contract with Berryman and Henigar for design services and services during construction. Amendment No. 1 is required due to the need to provide a state-of-the-art enhanced odor control system design for the pump station. This enhancement is due to community concern regarding any odor emission from the pump station. The enhanced control system will include a bio-filter as the first stage and a carbon scrubber for the second stage.

The bio-filter will be a low profile structure (approximately 2,600 square feet) detached from the pump station building. In addition to the two stage odor control system an upstream system is being proposed as an extra measure to reduce the potential odor before the flow reaches the pump station.

Aud. Cert. 9700720.

FILE LOCATION: MEET CCONFY97-1

COUNCIL ACTION: (Tape location: A144-174.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-104:

SUBJECT: First Amendment to the Agreement with Family Service Association of San Diego County.

(Linda Vista Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-788) ADOPTED AS RESOLUTION R-288349

Authorizing the execution of a first amendment to the agreement with Family Service Association of San Diego County, for the design and renovation of its office building located at 7645 Family Circle;

Authorizing the expenditure of an amount not to exceed \$66,220 from CDBG Fund 18532, Dept. 4112, J.O. 112601.

CITY MANAGER SUPPORTING INFORMATION:

The Family Service Association is a non-profit organization. The Agency provides individual, couple, family and group counseling services for problems such as child abuse, domestic violence, substance abuse, divorce, single parenting and senior issues. The Family Service Association is proposing to renovate its existing facility. The renovation shall include improvements to the heating and air conditioning system, repair plumbing, and installation of a new phone system. On March 4, 1996 City Council adopted Resolution No. R-286977 authorizing the expenditure of \$52,500 for this project. On April 23, 1996 City Council adopted Resolution No. R-287238 granting an additional \$66,220 of CDBG funding since the previously approved funds were not sufficient to complete the project.

Aud. Cert. 9700698.

FILE LOCATION: MEET CCONFY97-1

COUNCIL ACTION: (Tape location: A144-174.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-105:

SUBJECT: Amendment No. 5 to the Agreement with HYA Consulting Engineers for the Genesee Avenue Reclaimed Water Distribution Subsystem.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-816) ADOPTED AS RESOLUTION R-288350

Authorizing the execution of Amendment No. 5 to the agreement with HYA Consulting Engineers, for design services in connection with the Genesee Avenue Reclaimed Water Distribution Subsystem;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$312,373 within Fund 41500, from CIP-70-941.0,

Annual Allocation Reclaimed Water Retrofit System, to CIP-70-911.0, Genesee Avenue Subsystem;

Authorizing the expenditure of an amount not to exceed \$312,373 from Fund 41500, CIP-70-911.0, Genesee Avenue Subsystem.

CITY MANAGER SUPPORTING INFORMATION:

On August 2, 1993, the City Council approved the agreement between the City and HYA Consulting Engineers to provide design services for the Genesee Avenue Subsystem (R-282437). Amendment No. 1 and No. 2 of the contract were no cost amendments approved by the City Manager, Amendment No. 3 was approved by the City Council on April 10, 1995 per Council Resolution R-285576, and Amendment No. 4 was approved by the City Council on May 13, 1996 per Council Resolution R-287292. This amendment is requested to complete out-of-scope design items for this project.

Detailed plans and specifications need to be prepared to extend reclaimed water pipelines from the Genesee Avenue Subsystem into the University of California San Diego (UCSD) campus and on-site retrofit drawings need to be prepared for several sites within the UCSD campus. The pipeline plans and specifications and

on-site retrofit drawings must satisfy the requirements of the State and County Health Departments and include sufficient detail for bid and construction. This amendment also includes \$67,443 for additional services work. This additional services work will only be performed after it is authorized by the City. This project is included in the Interim Order issued by Federal Court dated August 28, 1994.

Aud. Cert. 9700741.

FILE LOCATION: MEET CCONFY97-1

COUNCIL ACTION: (Tape location: A144-174.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-106:

SUBJECT: San Diego Hospice Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-97-829) ADOPTED AS RESOLUTION R-288351

Recognizing the outstanding contributions that the San Diego Hospice has made during the past twenty years to provide specialized, compassionate health care for the terminally ill as well as emotional and spiritual support for them and their loved ones;

Proclaiming Friday, February 14, 1997 to be "San Diego Hospice Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A144-174.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200:

SUBJECT: Rehabilitation of the On-Shore Outfall.

(Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-781) ADOPTED AS RESOLUTION R-288352

Inviting bids for the Rehabilitation of the On-Shore Outfall on Work Order No. 173712;

Authorizing the execution of a contract with the lowest responsible bidder, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$1,812,000 from Sewer Fund 41508, CIP-46-503.0, Rehabilitation of the On-Shore Outfall, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves upon advice from the administering department.

CITY MANAGER SUPPORTING INFORMATION:

The Rehabilitation of the On-Shore Outfall (ROO) project will rehabilitate the steel pipe that connects the concrete offshore outfall pipe to the new south effluent conveyance facility and the rehabilitated north effluent conveyance facilities. These conveyance facilities improvements were completed during the South Effluent Outfall Channel Project (SEOC). During the SEOC the steel pipe was found to be substantially more deteriorated than anticipated. This created the need for the ROO project. The SEOC upgraded the connecting effluent conveyance channels. The offshore concrete pipe was repaired and reballasting is planned. When the ROO is completed the effluent disposal system should be completely upgraded and capable of reliable service. This project will provide additional life to the steel outfall

pipe and postpone more costly construction alternatives until greater capacity is required.

FILE LOCATION: W.O. 173712 CONT - Advanco Constructors  
CONFY97-1

COUNCIL ACTION: (Tape location: A144-174.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S500:

(Continued from the meeting of February 11, 1997, Item S501, at Councilmember Wear's request, for CCDC to meet with the staff of Councilmembers Wear and Vargas.)

SUBJECT: Request to Bid Centre City East Streetlights Phase II.

(See memorandum from CCDC dated 1/9/97. Centre City East Community Area. District-8.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-97-748) ADOPTED AS RESOLUTION R-288353

Making certain findings with respect to the payments for the construction of improvements consisting of the Centre City East Streetlights Phase II;

Making certain findings with respect to the payments for these improvements, and authorizing the Centre City Development Corporation to bid and construct these improvements.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A144-174.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION AND TO ACCEPT THE FOLLOWING RECOMMENDATIONS AS STATED BY COUNCIL MEMBER WEAR: 1) THAT THE LIGHTING INSTALLATION BEGIN WITH THE 16TH AND 17TH STREET RESIDENTIAL NEIGHBORHOODS AND THEN MOVE WEST; 2) CCDC STAFF IS REQUESTED TO MEET WITH COUNCIL

MEMBERS VARGAS AND WEAR ON ALL FUTURE PHASES BEGINNING WITH PHASE III TO DISCUSS IMPLEMENTATION; 3) RELOCATE ANY LIGHTING FIXTURES THAT ARE REMOVED IN THIS PHASE OR SUBSEQUENT LIGHTING PHASES TO REDUCE COST IN OTHER PHASES AND/OR BE MADE AVAILABLE TO HIGH CRIME AREAS; AND 4) THAT TWELFTH AVENUE LIGHTING BECOME A PRIORITY. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S501:

SUBJECT: Amending Division 24 of the San Diego Municipal Code to Implement a Deferred Retirement Option Plan.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-97-86) INTRODUCED, TO BE ADOPTED MARCH 3, 1997

Introduction of an Ordinance amending Division 24 of the San Diego Municipal code to implement a Deferred Retirement Option Plan.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A144-174.)

CONSENT MOTION BY MATHIS TO INTRODUCE THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

Feb-18-1997 RECORDER=mc

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 11:10 a.m. in honor of the memory of:

Frieda H. McCollom, as requested by Council Member McCarty;

Ralph Olivier and Bill Immenschuh, as requested by Council Member Kehoe; and

Phillip Acker, as requested by City Clerk Abdelnour.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B206-262.)